

POLICE/SHERIFF'S DEPARTMENT		GENERAL ORDERS	
SUBJECT: Use of Force		NUMBER: 2-6	
EFFECTIVE DATE: July 1, 1999		REVIEW DATE:	
AMENDS/SUPERSEDES: GO 2-6, October 1993		APPROVED: _____ Chief of Police/Sheriff	
CALEA STANDARDS: 1.3, 41.2		VLEPSC STANDARDS: ADM.05.01-.04, ADM.06.01	

NOTE

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS

Choke holds	Force (cont'd)
Firearms	Vehicles (firing at/from)
Qualification	Oleoresin capsicum (OC)
Force	Pepper spray
Deadly	PR-24
Excessive	Shotguns
Non-deadly	Tear gas
Prohibited acts	Warning shots
Reporting use of	Weapons
Use of (general)	Off-duty
	On-duty

I. POLICY

Officers are confronted daily with situations requiring the use of force to effect an arrest or ensure public safety. The degree of force used depends on what the officer perceives as reasonable and necessary under the circumstances at the time he or she decides to use force. Except for deadly force, the application of any degree of force is justified only when the officer reasonably believes that it is necessary:

- A. To prevent the escape from custody, make an arrest or an investigative detention of a person the officer believes has committed a crime.

B. To defend himself or herself or another from what the officer believes is the use of force while trying to arrest another, prevent the suspect's escape, or otherwise lawfully take the person into custody.

C. To disperse persons participating in an unlawful assembly.

Facts or circumstances unknown to the officer shall not be considered in later determining whether the force was justified. The department expects officers to observe the following two guidelines in all applications of force:

D. Employ the minimum force reasonably necessary to accomplish a legal purpose.

E. Officers may resort to more severe methods of force to overcome either increasing resistance or an increasingly dangerous threat to public safety.

The escalation in the use of force typically follows a pattern: verbal control, compliance techniques (control holds), chemical weapons, defensive tactics (including impact weapons such as the PR-24), and finally deadly force. Officers must understand how to recognize increasing or decreasing levels of threat and respond appropriately.

When applying deadly force, the officer's objective shall be to stop or incapacitate the suspect. The objective of the use of any force is to overcome the suspect's resistance to an officer's lawful purpose: officers shall avoid unnecessary or excessive applications of force.

Officers shall not unreasonably or unnecessarily endanger themselves or the public when applying this policy.

II. PURPOSE

To establish guidelines governing the use of force and its limitations, and to describe prohibited activities.

III. DEFINITIONS

A. Deadly force

1. The firing of a firearm, even though no intent exists to kill or inflict bodily harm.
2. Any force applied in any manner by any means that could reasonably be expected to cause death or serious physical injury.

- a. "Serious physical injury" means bodily injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss, or extended impairment of the function of any body member or organ.

B. Non-deadly force

Force employed which is neither likely nor intended to cause death or serious physical injury.

C. Firearms

Any weapon from which a projectile is forcibly ejected by an explosive.

D. Reasonable belief

When facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think reasonably in a similar way under similar circumstances.

E. Serious physical injury

A physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.

F. Excessive force

Force is excessive when its application is inappropriate to the circumstances, resulting in serious physical injury or death to a suspect. In determining whether force has been excessively applied, the primary concern is whether the on-scene officer reasonably believes that its application was necessary and appropriate. Based on the reasonableness standard, excessive force may be determined based on:

1. The severity of the crime.
2. The nature and extent of the threat posed by the suspect.
3. The degree to which the suspect resists arrest or detention.
4. Any attempts by the suspect to evade arrest by flight or fight.

In evaluating the reasonable application of force, officers must consider their own age, size, strength, skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

IV. PROCEDURES - Non-deadly force

The department trains officers in the use-of-force continuum which emphasizes the recognition of and response to increasing levels of threat. Most instances in which force is applied are non-deadly. Officers shall assess the incident to determine which technique will best bring the situation under control. **Following the application of any method of force, once the situation is contained, officers shall provide or arrange to provide medical help as necessary.** The following discussion reinforces key principles from training.

A. Verbal control

Verbal control refers to the manner in which the officer speaks to a person, which alone can manage a situation. Verbal control includes advice, persuasion, admonitions, or orders. The volume and tone of the officer's speech may also contribute to control without having to resort to another method of force. The department urges the use of verbal commands without the use of profanity or disrespectful or argumentative behavior.

B. Compliance techniques

At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength, leverage, take-downs, control holds, or come-alongs with sufficient force to make the lawful arrest without aggravating a suspect's combativeness. The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to officers, bystanders, or the person being placed in custody. Where lesser levels of force appear ineffective, officers may employ hands, fists, feet, knees, and so on in striking an adversary, according to methods sanctioned through training.

[Note: The next level of force is that of electronic stunning devices. Contact the Law Enforcement Section at DCJS for sample policy material relating to these weapons.]

C. Chemical agents

The use of chemical agents is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The only chemical weapon authorized for patrol personnel is the oleoresin capsicum (OC) or "pepper spray." ***[Note: Because of the increasingly widespread adoption of pepper spray by law-enforcement agencies, this order discusses its use. Many agencies use CN or CS gas, Mace, or perhaps all of these in addition to pepper spray. Policy must***

carefully account for the uses as well as drawbacks of these tools, in accordance with manufacturers' recommendations.] Chemical agents shall be used only to the extent necessary to overcome the resistance of the suspect within training standards. Specialized chemical agents such as light/sound devices, distraction devices, or tear gas shall be used only by personnel trained in their application, and then only under direct orders of the on-scene supervisor upon consultation with the chief of police/sheriff.

1. Chemical sprays shall not be used to threaten to elicit information or persuade people to comply with orders, nor shall they be used on people who are handcuffed, secured, and properly in custody.
2. Keep the application to the absolute minimum required to effectively control the subject.
3. Do not use on persons who are visibly sick or who are not in possession of their normal protective reflexes (such as being able to turn away from the applied spray). NOTE: Applying a chemical agent to such persons can result in injury out of proportion to the threat they may present.
4. **If the use of tear gas is authorized by the on-scene supervisor**, observe the following:
 - a. These chemicals are used primarily in dealing with unruly crowds and armed barricaded subjects.
 - b. Gas canisters or projectiles are used to disperse unruly crowds and induce the surrender of barricaded subjects when negotiations have failed.
 - c. Tear gas gun is used to fire projectiles into the area of an armed, barricaded suspect when the use of hand-tossed canisters is unsafe or impractical.

D. Defensive tactics

The department authorizes the carrying and use of the PR-24 as the only striking weapon for officers: all other forms of striking or punching weapons are prohibited for carrying or use, including but not limited to saps, blackjacks, slapjacks, nunchaku and similar sticks, and brass knuckles. Officers who carry the PR-24 shall be trained and certified in its use. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate, and lesser levels are inappropriate or ineffective.

1. The PR-24 shall not be used to strike handcuffed individuals or to threaten or intimidate people.
2. The PR-24 is mainly useful as an instrument to manage various control holds, not as a club or prod. Officers shall not raise the PR-24 above the head to strike a blow to a person's head. Officers shall not strike a person's head with any non-deadly impact weapon.

[NOTE: The use of trade names such as PR-24 for a side-handled baton does not imply endorsement of any product. Rather, this general order refers to trade names to convey the degree of specificity required by written policy. Many different kinds of batons are commercially available, from collapsible to side-handled varieties.]

V. DEADLY FORCE

A. Firearms - general

1. Firearms may be used:
 - a. In defense of the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily harm.
 - b. To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant, immediate threat to human life should escape occur. No other reasonable means of capture must be available to the officer in this case without endangering the officer's life or the life of another person.
 - (1) In evaluating a "significant threat," the officer must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the officer or others if apprehension is delayed.
 - (2) Where feasible, officers shall identify themselves and give a warning before shooting.
 - c. To kill seriously injured or dangerous animals when no other disposition is reasonably practical. A supervisor's approval should be sought when possible.
 - d. In routine firearm training or practice at an approved range.

2. Before using a firearm under circumstances 1.a and 1.b above, officers shall identify themselves and state their intent to shoot, where feasible.

B. Shotgun

1. The shotgun shall only be used when a possibility exists that the officer will be dealing with an armed suspect, e.g., armed robbery in progress, searching for armed suspects, answering calls when the complainant has indicated that a person is armed.
2. The chief of police/sheriff may approve the use of shotguns on raids and stakeouts when he believes that a threat to human life exists.
3. Shotguns shall be encased and carried in patrol units when not in preparation for use. When the shotgun is not encased with no rounds, it shall be carried with the safety on at all times until there is an immediate need to fire the weapon.

[Note: Agencies that permit the carrying and use of shotguns have many varying procedures, in part depending on the type of shotgun and the location and type of its mount or rack in the vehicle. Some agencies have shotgun racks with locks, and many require the weapon to be secured with the chamber empty until the officer removes the shotgun from the vehicle. Insert your procedure here.]

4. Shotguns shall be removed from vehicles before leaving them at any garage or service department.
5. Before beginning a tour of duty or immediately thereafter officers shall inspect the shotgun assigned to the patrol car.
6. During regular firearms qualification, each officer authorized to use a shotgun shall be required to demonstrate proficiency with it.
7. The range officer or armorer shall develop a shotgun maintenance schedule. The armorer shall clean and inspect shotguns according to schedule.
8. The general rules for the use of firearms above apply to shotguns.

VI. LIMITATIONS ON FORCE

The following acts associated with the use of force are prohibited.

- A. Firing into crowds.

- B. Firing a warning shot.
- C. Firing from a moving vehicle. Firing at a moving vehicle is prohibited **except** where the officer reasonably believes that:
 - 1. An occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle; OR
 - 2. A vehicle is operated in a manner deliberately intended to strike an officer or a citizen and all other reasonable means of defense have been exhausted (or are not present), including moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the officer's action.
 - 3. Officers shall not fire at or in the direction of a vehicle that no longer poses an immediate threat.
- D. Firing into a building or through doors when the person fired at is not clearly visible unless officers are being fired upon from such building or through such door.
- E. Firing at a suspect when lesser force could be used and the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or when there is any substantial danger to innocent bystanders. (*When in doubt, don't shoot.*)
- F. Application of choke hold or carotid control holds, except when the officer reasonably believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death.
- G. Use of Streamlites or Kel-lites or other flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon **only** to defend him- or herself or another from imminent serious physical injury or death and then **only** if departmentally sanctioned methods are not available or are impractical. The use of a flashlight under such circumstances shall be deemed an application of deadly force.
- H. Carrying or use of a second back-up firearm. *[Note: Many agencies permit the carrying of a second firearm. The national standards of the Commission on Accreditation of Law Enforcement Agencies, Inc., recognizes that the practice is common and addresses the safe carrying of second weapons. Contact the DCJS Law Enforcement Services Section for sample policies on this topic.]*
- I. The carrying or use of saps, blackjacks, slapjacks.

- J. Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.
- K. Any use of force not reasonably necessary in the light of the circumstances confronting the officer.
- L. Any forcible enforcement action when off duty except in circumstances which seriously threaten life, valuable property, or public order.

VII. WEAPONS

A. Duty weapon

While on duty, an officer shall carry a department issued or approved weapon, either a .357 revolver or a 9mm semiautomatic pistol. *[Note: Substitute your agency's authorized firearm(s) here.]* The department shall issue ammunition for the weapon.

- 1. Any officer who wishes to carry a personally-owned weapon on duty must request permission, in writing, from the chief of police/sheriff. Weapons shall be inspected and approved by the range instructor/armorer. In addition, the weapon shall fire department-issued ammunition and the officer shall qualify with the weapon as well as with department-issued weapons. Officers shall buy ammunition for their personally-owned off-duty weapons.
- 2. The chief of police/sheriff *[or in larger agencies, the range officer]* shall maintain a record of all weapons used by officers either on or off duty. The record lists weapon descriptions, ammunition type issued, date of issue, and information pertaining to qualifications. Officers shall annually review the records to ensure that they are up to date.

B. Off-duty weapons

Officers are encouraged, but not required, to carry a handgun when off duty. An officer who elects not to carry a handgun while off duty shall not be subject to disciplinary action if an occasion should arise in which he or she could have taken police action if he were armed.

- 1. **Exception:** While operating a department vehicle, off-duty officers shall be armed with an approved weapon.
- 2. Officers who carry off-duty weapons must understand that in some social situations (e.g., sports) the carrying of a firearm is inappropriate.

3. Officers who have consumed alcoholic beverages shall **not** carry an off-duty weapon under any circumstances.
4. All officers shall submit off-duty weapons to the range instructor for inspection and firing before carrying them.
5. Off-duty officers who carry firearms while in plain clothes shall **not** wear them in any way that allows the public to see them.
6. Officers who obtain a concealed weapons permit per *Virginia Code* § 18.2-308 shall comply with the requirements of this general order.
7. Although the department requires officers to carry departmental identification at all times, any time that officers carry a firearm off duty they shall carry their departmental identification and badge.

C. Qualification

No officer shall carry or use any firearm, chemical agent, or PR-24 unless he or she has received training and demonstrated proficiency in its use.

1. Officers who fail to pass the qualification shall be relieved of their police powers and immediately reassigned to non-enforcement duties.
2. Officers who have taken extensive leave or suffered an illness or injury that could affect the use of firearms or non-deadly weapons shall requalify before returning to enforcement duties.

VIII. REPORTING USE OF FORCE

- A. Officers shall document **any** application of force except for those arising in training or departmental demonstrations.
- B. If officers have employed chemical weapons or any higher degree of force, they shall first render medical aid and then:
 1. Immediately notify the on-duty supervisor or the chief of police/sheriff (if the on-duty supervisor is unavailable) of any use of physical force.
 2. Submit a memorandum to the chief of police/sheriff within 24 hours describing the incident and any medical aid rendered, and shall substantiate the force used. The memorandum shall be in addition to any other reports.

IX. DEPARTMENTAL RESPONSE

A. Assignment

Pending administrative review, any officer who has taken the life of or seriously injured another person shall be removed from line-duty assignment. This action protects both the officer's and the community's interests until the situation is resolved.

B. Review

1. The chief of police/sheriff shall review all reported uses of force to determine whether:
 - a. Departmental orders were violated.
 - b. Relevant departmental policy was clearly understandable and effective to cover the situation.
 - c. Departmental training was adequate.
2. The chief of police/sheriff may convene a board of inquiry to examine an incident in which force was applied.
 - a. The board of inquiry will ascertain training and policy needs.
3. At least annually, the chief of police/sheriff shall compile an analysis of use-of-force incidents to be made available to the public.

C. Internal investigations

Internal investigations of serious applications of force shall be of two types conducted simultaneously: first, an administrative investigation to determine whether department standards were followed; second, a criminal one to detect lawbreaking. A criminal investigation shall be discontinued whenever the department is satisfied that no misconduct occurred. RR 1-9 details the two types of investigations.

D. Psychological services

Psychological follow-up of post-shooting trauma will normally be directed by the chief of police/sheriff whenever deemed appropriate. During an internal investigation, the department shall do all within its power to avoid placement of a stigma on the officer who discharges a firearm in performance of duty. Following a

shooting resulting in a death, the officer shall not return to duty until a psychological evaluation has been conducted, and the officer has received any necessary counseling.